



The site is located within the parish of Montacute, off Bishopston which is an unclassified no-through road, which serves four other properties beyond Abbey Gate. A public footpath and bridleway also start at different points beyond Abbey Gate.

The property is a Grade II listed, detached two-storey dwelling constructed of hamstone and clay roof tiles with watertabling and mullion windows. This application seeks permission for the erection of a two storey extension to the side of the property, a single storey extension to the rear and the formation of a new access into the property off Bishopston to the south of the dwelling.

An application for listed building consent is submitted alongside this application for the same works and internal alterations.

## HISTORY

No relevant planning history

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development  
Policy 9 - The Built Historic Environment

Saved policies of the South Somerset Local Plan:

Policy ST5 - General Principles of Development  
Policy ST6 - The Quality of Development  
Policy EH3 - Alterations to Listed Buildings  
Policy EH5 - Development Proposals Affecting the Setting of Listed Buildings

National Planning Policy Guidance (March 2012):

Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 12 - Conserving and Enhancing Historic Environment

## CONSULTATIONS

MONTACUTE PARISH COUNCIL - No objection but would have preferred the design to match the original house and to have the windows more like the original ones.

COUNTY HIGHWAY AUTHORITY - Notes that the proposed access onto Bishopston is onto an unclassified highway and no through road, and also a public footpath and bridleway users as well as other users associated with existing uses are in close proximity to the site. Comments that any new access should meet an appropriate standard so that it does not pose any highway safety implications to users of the adjoining public highway network. Considers that visibility splays of 17m in both directions drawn from 2.4m back from the carriageway edge should be provided and that

this would be commensurate with traffic speeds of 15mph.

FOLLOWING THE SUBMISSION OF AMENDED PLANS - As the required visibility splays cannot be achieved recommends refusal in the interest of highway safety of all road users at this point.

AREA ENGINEER - No comment

CONSERVATION OFFICER - No objection subject to conditions

ENGLISH HERITAGE - No comment

## REPRESENTATIONS

FIVE LETTERS OF OBJECTION - Have been received, raising concerns over the following issues:

- Amount of traffic using the road, particularly if holiday lets are allowed in the barns beyond Bishopston
- The road past Abbey Gate is very narrow
- Road may become blocked by construction traffic
- Neighbouring garden path runs past the rear of the property just below the proposed bathroom and therefore the window should be obscure glazed
- Without any visibility splays provided there would be no inter-visibility between drivers exiting the premises and pedestrians, particularly children
- Error in application which states that the road outside the property is not adopted highway
- Proposed access through the existing boundary wall would have a detrimental visual effect to the location and the conservation area, and is unjustified
- Existing access from Abbey Farm should be used instead

## CONSIDERATIONS

### Extensions

The proposed extensions are considered to be of an appropriate design and detailing that would be subservient to the main dwelling in terms of scale and design. While the Parish Council has not objected to the proposed extensions they have criticised the design and detailing. However, the design is considered to be similar and in keeping with the existing, and the window detailing which will be with timber frames instead of mullions it considered to be appropriate given the subservient nature of the extension. On this basis it is not considered that the proposed extensions would harm the character or appearance of the listed property or have a detrimental impact on the visual amenity or character of the conservation area.

It is not considered that the window layout and general bulk of the extensions are such that they would give rise to undue overlooking / loss of privacy or an overbearing relationship with neighbouring properties. Therefore the proposal would not harm local residential amenity.

Concern has been raised that the bathroom window will overlook the neighbouring garden. As agent has confirmed they are willing to accept a condition for this window to be obscure glazed and with opening to be agreed with the LPA.

**Access**

Initially there was some confusion regarding where the adopted highway ends on Bishopston; this has now been clarified by the Highway Authority, and corrections to the application form were made by the agent in a timely manner.

The proposed access has been designed to ensure minimal intervention to the front boundary wall, following pre-application discussions with the Conservation Officer. Therefore it is considered the physical alterations proposed by this aspect of the application would not have a detrimental impact upon the character of the conservation or the setting of the listed building.

Concern has been raised by the Highway Authority and local residents regarding the lack of visibility splays at the proposed new access into the site. The proposal includes the removal of a short section of wall to allow an access into the site that is independent of Abbey Farm, which the existing access to the site uses. Discussions with the Conservation Officer have concluded that it is favourable to retain as much of the front boundary wall as possible, in order to preserve the sensitive character of the conservation area, rather than remove much of the wall to provide a splayed entrance into the site.

Given the limited amount of vehicular traffic that uses the site, the low traffic speeds along this stretch of highway and low speed of any traffic exiting Abbey Gate via the proposed access, it is considered that the usual requirement for extensive visibility splays is unjustified in this location. Furthermore, given that the highway in this location is unclassified, planning permission would not be required for such works (i.e. the creation of a new access onto an unclassified road) if it were not for the fact that the wall is listed by association to the listed dwelling. In light of this, it is considered unreasonable to refuse the application on grounds of highway safety due to the lack of visibility splays.

Concern has been raised that the future use of some barns as holiday lets that are beyond the site will increase traffic, making the proposed access unsafe. However, to date the barns referred to are redundant and no planning application has been submitted for their conversion. Accordingly, no weight can be attached to this hypothetical situation.

**Other Issues**

Concern has been raised that construction traffic will block the highway outside of Abbey Gate. It is considered there is sufficient room for construction vehicles to utilise the existing access for the duration of any construction works.

**Conclusion**

It is considered the proposal would not harm the listed building or its setting, the character of the conservation area, or residential amenity of the area. Notwithstanding the highway objections, it is considered the proposed access would not be prejudicial to highway safety due to the limited traffic and low speeds of passing traffic and vehicles that would exit the site via the proposed access. Accordingly it is considered the proposal is in line with policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan, Policies 9 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Chapters 6, 7 and 12 of the National Planning Policy Framework.

**RECOMMENDATION**

Permission be granted

## JUSTIFICATION

It is considered the proposal would not harm the listed building or its setting, the character of the conservation area, or residential amenity of the area. Notwithstanding the highway objections, it is considered the proposed access would not be prejudicial to highway safety due to the limited traffic and low speeds of passing traffic and vehicles that would exit the site via the proposed access. Accordingly it is considered the proposal is in line with policies ST5, ST6, EH1, EH3 and EH5 of the South Somerset Local Plan, Policies 9 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Chapters 6, 7 and 12 of the National Planning Policy Framework.

## SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun within three years of the date of this permission.  
Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).
02. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.  
Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.
03. Any entrance gates should be hung to open inwards.  
Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.
04. Prior to the hereby approved access is first being brought into use, the access shall be properly consolidated and surfaced (not loose stone or gravel) for the first 5m of its length.  
Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.
05. Prior to the hereby approved access is first brought into use, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. If soakaways are to be used they must be constructed in accordance with BRE365 and must be a minimum of 5m from any structure including the highway.  
Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.
06. The first floor bathroom window on the northwest elevation of the property shall be glazed with obscure glass which shall thereafter be retained. The opening of the window shall be agreed in writing with the Local Planning Authority prior to the occupation of the development hereby approved.  
Reason: In the interests of residential amenity, in accordance with Policy ST6 of the South Somerset Local Plan.
07. The development hereby permitted shall be carried out in accordance with the following approved plans: 6227-10, both plans marked as 6227-11A, and agent's email dated 20/09/2012 regarding the bathroom window.  
Reason: For the avoidance of doubt and in the interests of proper planning.